

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

| | | |
|--|---|------------------------------------|
| DataTreasury Corporation | § | |
| <i>Plaintiff</i> | § | |
| | § | |
| v. | § | CIVIL ACTION NO: 6:11-CV-92 |
| | § | JURY DEMANDED |
| Capital One Financial Corporation, et al; | § | |
| <i>Defendants</i> | § | |

**AGREED MOTION TO DISMISS DEFENDANTS LEGACY
TEXAS GROUP INC. AND LEGACYTEXAS BANK WITH PREJUDICE**

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the terms of a separate Settlement, Release and License Agreement, the Plaintiff, DataTreasury Corp. ("DTC") and Defendants LegacyTexas Group, Inc. and LegacyTexas Bank (collectively, "LEGACY"), have agreed to settle, adjust and compromise all claims and counterclaims against each other in the above-captioned action. The parties move this Court to dismiss with prejudice in the above-entitled cause any and all claims by DTC against LEGACY and to dismiss all counterclaims by LEGACY against DTC.

DTC and LEGACY also move the Court to order that all costs and expenses relating to this litigation (including attorney and expert fees and expenses) shall be borne solely by the party incurring same. Other than LEGACY, no other defendants shall be dismissed as a result of this Motion.

A proposed Order accompanies this motion.

Dated: September 11, 2012

Respectfully submitted,



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CERTIFICATE OF SERVICE

I certify that on September 11, 2012, all counsel who are deemed to have consented to electronic service are being served with a copy of this document via electronic transmission.


